

REMARKS

By the present communication, claims 1-19, 26 and 27 have been amended to define Applicants' invention with greater particularity. No new matter is introduced by the subject amendments as the amended claim language is fully supported by the specification and original claims.

Upon entry of the amendments submitted herewith, claims 1-29 will remain pending, with claims 27 and 28 under active prosecution (and the remaining claims subject to a request for rejoinder). A detailed listing of all claims that are, or were, in the application, along with an appropriate status identifier, is provided in the Listing of Claims, beginning on page 2 of this communication.

The requirement for restriction of claims 1-29 under 35 USC § 121 is respectfully traversed. It is respectfully submitted that the claims have been restricted into an excessive number of groups. For example, upon careful review, the Group I claims (directed specifically to tagged acyl nucleotide probes) are seen to be a subset of the Group IV claims (which are directed to tagged acyl phosphate or phosphonate probes, which generically embrace the Group I tagged acyl nucleotide probes). Moreover, as amended, claims 1-19 all depend (either directly or indirectly) from elected claims 27 and/or 28. Accordingly, it is respectfully submitted that at least the Group I and Group IV claims should be examined together.

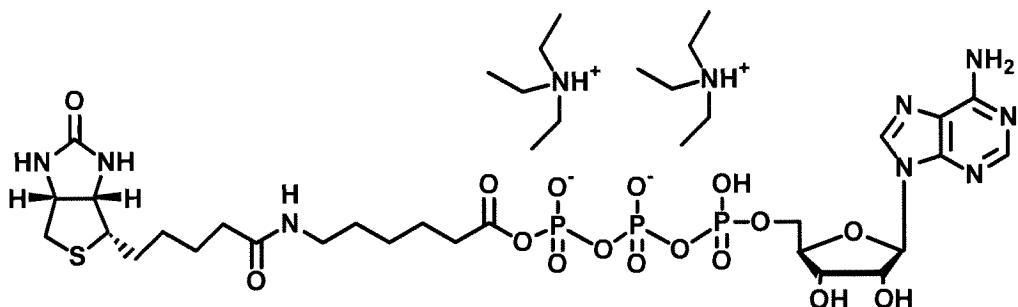
Similarly, restriction as between the Group II claims (directed to methods for determining an enzyme profile employing the acyl nucleotide probes of Group I) and the Group I and/or Group IV claims will provide no savings of PTO resources as a thorough search of the Group II claims would, of necessity, require a search of the Group I and/or Group IV claims.

Accordingly, reconsideration and withdrawal of the requirement for restriction are respectfully requested.

In order to be fully responsive, Applicants hereby elect the Group IV claims for prosecution on the merits. Rejoinder of non-elected claims of Groups II and/or IV with the Group I claims is respectfully requested.

The further requirement under 35 USC § 121 for election of a single disclosed species is respectfully traversed. It is respectfully submitted that a search of the claimed subject matter can readily be devised based on the structures set forth in the claims.

In order to be fully responsive, and for search purposes only, Applicants hereby elect the species referred to in Example 13 at page 55 of the specification, i.e., Biotin-Hex-Acyl-ATP (compound 13) having the structure:



i.e., a compound according to claim 27 wherein:

TAG is biotin,

L is -NH(CH₂)₅-, and

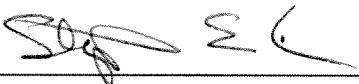
X is adenosine triphosphate.

Claims 1, 2, 4 – 9, 13 – 15, 20, 21, 27 and 28 read on this species.

In view of the above amendments and remarks, prompt and favorable action on all claims are respectfully requested. In the event any issues remain to be resolved in view of this communication, the Examiner is invited to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date December 14, 2006

By 

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192